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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,279	03/12/2004	Jose Omar Rodriguez	Rodriguez 23-5-1/300	7218

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EXAMINER

WILSON, LEE D

ART UNIT PAPER NUMBER

3723

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,279

Applicant(s)

RODRIGUEZ ET AL.

Examiner

LEE D WILSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 3 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by James et al (6099394).

Jame et al disclose cmp pad having a groove pattern (fig.1) with alternating first and second sizes, 1 mil is about 25 microns and 15 mils is about 381 microns, and a platen (col.13, line 52).

3. Claims 1- 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Andideh et al (2001/0044263a1).

Andideh et al disclose cmp pad having a groove pattern (figs. 5a-7) with alternating first and second sizes, 1 mil - 100 mils is about 381 microns, and a platen (col.13, line 52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (6099394) in view of Doan et al (5795218).

- a. James et al are discussed above.
- b. James et al do not disclose a range up to 80 mils.
- c. Doan et al disclose a cmp pad having grooves sized in a range of 80 mils which allows for grooves having a variety of sizes.
- d. It would have been obvious to one having ordinary skill in the art at the time of invention to have modified the James et al device by providing a range is up to 80 mils as taught by Doan et al which allows for grooves having a variety of sizes.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (6099394) in view of Muldowney (6783436), Bennett et al (6273806), and/or Bennett et al (5984769).

- e. James et al are discussed above.
- f. James et al do not disclose a groove pattern selected from the group consisting of concentric groove pattern, an X-Y groove pattern, a radially extending groove pattern and a spiral groove pattern.
- g. Muldowney (6783436 see figs 1A, 2A, 4,A, 6 A-D), Bennett et al (6273806 see figs 3, 6-8, and 10-17), and/or Bennett et al (5984769 see figs. 3, 6-8, and 10-16) disclose a cmp pad having grooves patterns selected from the group consisting of concentric groove pattern, an X-Y groove pattern, a radially

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extending groove pattern and a spiral groove pattern which allows for grooves having a variety of different shapes for forming the pad surface.

h. It would have been obvious to one having ordinary skill in the art at the time of invention to have modified the James et al device by providing a groove pattern selected from the group consisting of concentric groove pattern, an X-Y groove pattern, a radially extending groove pattern and a spiral groove pattern as taught by Muldowney (6783436), Bennett et al (6273806), and/or Bennett et al (5984769) which allows for grooves having a variety of different shapes for forming the pad surface.

7. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andideh et al (2001/0044263a1) in view of Muldowney (6783436), Bennett et al (6273806), and/or Bennett et al (5984769).

i. Andideh et al are discussed above.

j. Andideh et al do not disclose a platen and a groove pattern selected from the group consisting of concentric groove pattern, an X-Y groove pattern, a radially extending groove pattern and a spiral groove pattern.

k. Muldowney (6783436 see figs 1A, 2A, 4,A, 6 A-D and polishing platen 210), Bennett et al (6273806 see figs 3, 6-8, and 10-17 and a platen 30), and/or Bennett et al (5984769 see figs. 3, 6-8, and 10-16 and a platen 30) disclose a cmp pad on platen having grooves patterns selected from the group consisting of concentric groove pattern, an X-Y groove pattern, a radially extending groove

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pattern and a spiral groove pattern which allows for grooves having a variety of different shapes for forming the pad surface held on a platen.

It would have been obvious to one having ordinary skill in the art at the time of invention to have modified the James et al device by providing a platen holding a pad with a groove pattern selected from the group consisting of concentric groove pattern, an X-Y groove pattern, a radially extending groove pattern and a spiral groove pattern as taught by Muldowney (6783436), Bennett et al (6273806), and/or Bennett et al (5984769) which allows for grooves having a variety of different shapes for forming the pad surface held on a platen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

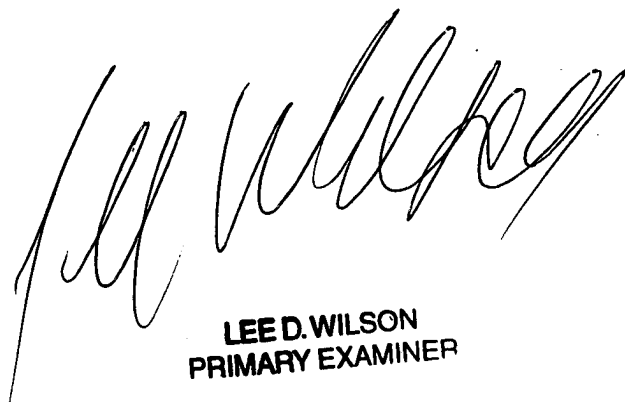
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

January 12, 2005



LEE D. WILSON
PRIMARY EXAMINER